

perpendicular to the longitudinal central axis of said sheath, said sheath having an oval cross section in a plane extending perpendicular to the longitudinal central axis of said sheath when said sheath is in the contracted condition; and an array of filaments which is enclosed by said sheath and extends axially substantially from one end portion to the other end portion of said sheath, wherein said sheath is biased in the contracted condition.

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66. (Twice Amended) An expandable cannula which is movable into a patient's body tissue, said cannula comprising a tubular sheath which at least partially encloses an array of filaments which extends between axially opposite end portions of said sheath substantially from one end portion to the other end portion of said sheath, said sheath and said array of filaments being resiliently expandable from a contracted condition in which said sheath and said array of filaments have a relatively small cross sectional size in a plane perpendicular to a longitudinal central axis of said sheath to an expanded condition in which said sheath and said array of filaments leave a relatively large cross sectional size in a plane perpendicular to the longitudinal central axis of said sheath, wherein said sheath is biased in the contracted condition. *And*

REMARKS

Claims 57-62, 64-73, 75, and 77-79, as amended remain in this application and are submitted for the Examiner's review and consideration. In this Response, Applicants have amended certain claims. In light of the Office Action, Applicants believe these amendments serve a useful clarification purpose, and are desirable for clarification purposes, independent of patentability. Accordingly, Applicants respectfully submit that the claim amendments do not limit the range of any permissible equivalents.

Claims 57-62 and 66-71 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,295,994 to Bonutti ("Bonutti") in view of U.S. Patent No. 5,234,425 to Fogarty *et al.* ("Fogarty"). Claim 66 was also rejected under 35 U.S.C. § 102(e) as anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as obvious over Fogarty. For the reasons set forth below, Applicants respectfully submit that these claims are not taught or suggested by Bonutti and Fogarty, either alone or in combination.